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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner Date March 6, 1987 Norman E. Gerber, AICP, Director

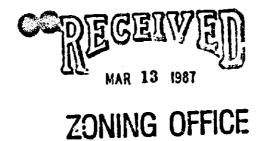
SUBJECT Zoning Petitions No. 87-364-A, 87-369-A and 87-370-A

FROM Office of Planning and Zoning

There are no comprehensive planning factors requiring comment

NEG:JGH:slb





Liberty Road Community Council, Inc. 7487 Dorman Brive Baltimore, Maryland 21288 484-9387

March 13, 1987

Mr. Arnold Jablon Zoning Commissioner Zoning Enforcement Section 111 West Chesapeake Avenue Towson, Maryland 21204

> Re: Hearing, Monday March 16, 1987 9:45 A.M., Case No. 87-364-A, Item No. 246 8314 Liberty Road.

Dear Mr. Jablon.

In order to protest the placement of an illuminated sign at the S.E. corner of Liberty and St. James Roads, I am committing my thoughts to paper.

The general proliferation of signs on this strip of Liberty hoad has made it impossible to single out whatever one is looking for. The addition of a lighted sign will just add to the hodgepodge approach to sign and landscape design presently used as guidelines in Baltimore County. We, the residents and shoppers in this area, bear the brunt of this permissiveness, by having to endure the ugliness.

Fewer signs would enable the potential consumer to actually find whatever he/she is looking for, as the signs, even as presently constituted, obliterate each other.

In recognition of this, we the Liberty Road Community Council wish to go on record as being against this zoning variance request.

> Harold Katy Harold Katz, president
>
> Judith Berger, secretary

Working Together For Community Progress

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 2, 1987

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Bureau of

Department of

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Industrial Development

Zoning Administration

Traffic Engineering

State Roads Commission

210 N. Charles Street Baltimore, Maryland 21201-4013 RE: Item No. 246 - Case No. 87-364-A

Petitioner: Harold H. Fauter, et ux Petition for Zoning Variance

Dear Mr. Cohen:

Chester Cohen, Esquire

1118 Fidelity Building

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Zoning Plans Advisory Committee

JED:kkb

Enclosures

Maryland Department of Transportation

January 5, 1986

Mr. A. Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Attention: Mr. James Dyer

Re: ZAC Meeting of 12-23-86 ITEM: #246. Property Owner: Harold H. Fauter, et ux

Location: NE/S Liberty Road, Route 26, corner SE/S St. James Rd. Existing Zoning: R.O. Proposed Zoning: Variance to permit an illuminated sign Area: .355 acres

District: 2nd Election District

Dear Mr. Jablon:

On review of the submittal for variance of a business sign, the submittal has been forwarded to the State Highway Administration Beautification Section, c/o Morris Stein at 333-1642 for all comments relative to zoning.

Very truly yours,

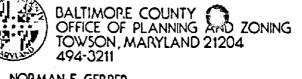
Charl L Charles Lee, Chief Bureau of Engineering Access Permits

CL:GW:maw

By; George Wittman

cc: Mr. J. Ogle Mr. M. Stein (w-attachment)

> My telephone number is (301) 333-1350 Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free P.O. Box 717 / 707 North Celvert St., Baltimore, Maryland 21203 - 0717



NORMAN E. GERBER DIRECTOR

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

FEBRUARY 20, 1987

Re: Zoning Advisory Meeting of DECEMBER 23,1986
Item # 246 Property Owner: HAROLD H. FAUTER, etal Location: SE/CORNER LIBERTY RD.+ ST. JAMES RD.

Dear Mr. Jablon:

- CC: James Hoswell

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

There are no site planning factors requiring comment.

(A County Review Group Meeting is required.

(A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.

(B) This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract. A record plat will be required and must be recorded prior to issuance of a building permit.

The access is not satisfactory. The circulation on this site is not satisfactory.)The parking arrangement is not satisfactory. Parking calculations must be shown on the plan.)This property contains soils which are defined as wetlands, and development on these soils is prohibited.)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.

Development of this site may constitute a potential conflict with the Baltimore County Master Plan.)The amended Development Plan was approved by the Planning Board)Landscaping: Must comply with Baltimore County Landscape Manual.
)The property is located in a deficient service area as defined by

The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.)Additional comments:

Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service

Pavid Fields, Acting Chief Current Planning and Development



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS DIRECTOR

January 21, 1987

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

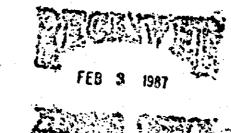
Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 233, 234, 235, 237, 238, 239, 240, 241, 243, 244, 246, 248,

Very truly yours,

Michael S. Flanigan Traffic Engineer Associate II

MSF:1t



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586 -494-4500

PAUL H. REINCKE CHIEF

December 23, 1986

Mr. Arnold Jablon Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Harold H. Fauter, et ux RE: Property Owner:

NE/S Liberty Rd., corner SE/S St. James Rd. Location:

Zoning Agenda: Meeting of 12/23/86 Item No.:

Centlemen:

Towson Maryland 21204

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code rrior to occupancy or Leginning of operation.

() 3. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

1) 6. Site plans are approved, as drawn. Approximation of the contract of the

REVIEWER Caft. Lough The 12-15-80 Approved:

Planning Group

Fire Prevention Buteau

Fire Prevention Buteau

Special Inspection Division

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TED ZALESKI, JR DIRECTOR

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Comments on Item # 246 Zoning Advisory Committee Meeting are as follows: Districts All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.N.S.I. #117-1 - 1980) and other applicable Codes and Standards B) A building and other miscellaneous permits shall be required before the start of any construction. C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

D. Commercial: Three sets of construction frawings sealed and signed by a registered in Maryland Architect

E. All Use Groups except R-b Single Pamily Detached Dwellings require a minimum of 1 hour fire rating for exterior wells closer than 6'-0 to an interior lot line. R-b Use Groups require a one hour well if closer than 3'-0 to an interior lot line. Any well built on an interior lot line shall require a fire or party well. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department. G. The requested variance appears to conflict with Section(s) ______, of the Baltimore

H. When filing for a required Change of Tre/Cooppancy Permit, an alteration permit application shall also

I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

Comments: Plan does not show compliance to the State Handicapped Code as required by State Regulations -05.01.07. It is assumed the required Permits for change of use and attenations have been required.

K) These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Plenning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 v. Chesapeake Avenue, Towson, Maryland 2204.

Signs shall comply to Article 19. and amendments in Concil Bill # 17-85. By: C. E. Burnham, Thief Marks G. Secration

PETITION FOR ZONING VALUNCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section ___ J13.1e(3)__to_permit_an-illuminated_sign_In_[[cs.pt___]

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

the allowed non-illuminated.

Petitioner has a non-conforming informational sign, pursuant to 413.1e(3). Said sign, which is illuminated, was erected in October, 1982. Petitioner was recently notified that his sign is not allowed to be illuminated. As the Petitioner is a medical doctor who has night office hours, he needs the illuminated sign so that his patients can find his office.

Property is to be posted and advertised as prescribed by Zoning Regulations.

. or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contrast Purchaser: Harald H. Fauter (Type or Print Name) Irge Fauter hur Feules City and State Attorney for Petitioner: Chester Cohen 6512 Deer Park Road (Type or Grint Name) Reisterstown, MD 21136 1118 Fidelity Building 210 N. Charles Street Name, address and phone number of legal owner, contract purchaser or representative to be contacted 75-92.X Baltimore, MD 21201-4013 Chester Cohen 1118 Fidelity Building 210 N. Charles Street Address Balto MD 21201 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this ____29th of _____Ianuary_____, 19_37_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore March

ESTIMATED LENGTH OF HEARING (-1/2HR, AVAILABLE FOR HEARING MOH./TUES:/WED. - NEXT TWO MONTHS

REVIEWED BY: UCH DATE 12/1/86

Zoning Complissione of Baltimore County.

BAMORE COUNTY, MARGAND

INTER-OFFICE CORRESPONDENCE

James Dyer 12-11-86 Zoning Supervisor FROM Zoning Enforcement Coordinator

Item No.: 246 (if known)

SUBJECT Petitioner: FAUTER (if known)

VIOLATION CASE # 87-84-CV (C-87-1) LOCATION OF VIOLATION 8314 LIBERTY ROAD

HAROLD H. FAUTER ADDRESS 6517 ADDRESS 6512 Deer Part Road, 211136

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

IN RE: PETITION ZONING VARIANCE SE/corner of Liberty Road and St. James Road (8314 Liberty Road) - 2nd Election District

Harold H. Fauter, et ux,

ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 87-364-A

BEFORE THE

Petitioners

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an illuminated sign in lieu of the permitted non-illuminated sign.

The Petitioner appeared and testified and was represented by Counsel. There were no Protestants.

Testimony indicated that the subject property, zoned R-O and located at the corner of Liberty and St. James Roads, is improved with the Petitioner's medical office, which was approved by Case No. 75-92-X in 1974 when the property was zoned D.R.16. Dr. Fauter erected the illuminated sign in 1982, pursuant to the regulations in effect at the time the special exception was granted. An illuminated sign is necessary so that patients can easily locate the office when Dr. Fauter has night hours. He is not proposing to enlarge or change the existing sign. The purpose of this hearing is to clarify what

The Petitioner seeks relief from Section 413.1.e.(3), pursuant to Sections 307 and 502.5, Baltimore County Zoning Regulations (BCZR).

Section 413.1, BCZR, permits illuminated signs. Section 203.3.C, BCZR, does not. It is obvious that the Petitioner has requested a variance from the wrong section of the Regulations; indeed, the real issue is which sign regulation applies.

The property was zoned D.R.16 when the special exception was granted, but it is now zoned R-O. Office buildings approved by special exception in D.R.16 Zones were permitted illuminated but not flashing signs, 25 square feet in area, pursuant to Section 413.1.e.(3), and such signs could be freestanding. Since adoption of the R-O Zone, which displaced the D.R.16 special exception category for office buildings, signs are limited to 8 square feet, attached to a building, and cannot be illuminated.

As indicated above, the 12 square foot per side, free-standing, illuminated sign was erected pursuant to the regulation in effect at the time the special exception was granted and has existed as such for many years. For the purpose of this particular sign, as limited by its location, size, and information, the regulation under which it is to be judged is Section 413.1.e.(3), which permits illuminated signs. However, if the Petitioner were to replace the sign with a larger one, he would be required to seek a variance pursuant to Section 203.3.C, the regulation now in effect.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30 th day of March, 1987, that a variance to permit the illuminated sign described above in lieu of a permitted non-illuminated sign is not applicable and that said sign is a permitted use subject to the conditions precedent, as cited above, from and after the date of this Order.

ng Commissioner o

P Dat

cc: Chester Cohen, Esquire People's Counsel

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CPS-008

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DESCRIPTION TO ACCOMPANY PETITION

8314 LIBERTY ROAD

Beginning for the same on the northern most right of way line of Liberty Road at the division line of Lot 6 and Lot 7 as shown on Plat No. 2 of "George's Park" which was recorded among the Plat Records of Baltimore County in Plat Book W.P.C. 5, folio 77, said beginning point being located N58*59*W 340** from the intersection of the northern most right of way line of Liberty Road and the center line of Rolling Road, thence leaving the right of way line of Liberty Road and running on the division line of Lot 6 and Lot 7 N31°00'00"E 267.00' to the end thereof, running thence on the rear lot line of Lot 6 N58°59'00"W 58', running thence on the division line of Lot 6 and a road 12' wide S31'01'00" 267' to the northern most right of way of Liberty Road running thence on the right of way line of Liberty Road S58°59'00"E 58' to the place of beginning. Containing 0.355 Acres more or less.

Being all of Lot 6 of "George's Park" Plat No. 2 as recorded among the aforesaid Plat Records of Baltimore County.

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PETITION FOR ZONING VARIANCE

2nd Election District

Case No. 87-364-A

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Dat OR

Southeast Corner Liberty Road and St. James Road LOCATION:

(8314 Liberty Road) DATE AND TIME: Monday, March 16, 1987, at 9:45 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit an illuminated sign in lieu of the permitted non-illuminated sign

Being the property of Harold H. Fauter, et ux , as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE SE Corner Liberty & St. James Rds. (8314 Liberty Rd.)

HAROLD H. FAUTER, et ux,

: BEFORE THE ZONING COMMISSIONED

OF BALTIMORE COUNTY 2nd District

Case No. 87-364-A

Petitioners

ENTRY OF APPEARANCE

::::::

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 13th day of February, 1987, a copy of the foregoing Entry of Appearance was mailed to Chester Cohen, Esquire, 1118 Fidelity Bldg., 210 North Charles St., Baltimore, MD 21301-4013, Attorney for Petitioners.

